



Office of the Attorney General

“Sexting”



Office of the Attorney General of Virginia



Office of the Attorney General

Web Sites Often Used For Social Networking

xanga.com
THE WEBLOG COMMUNITY®

facebook

Google
Groups

Web Images **Groups** Directory

BlackPlanet.com

hi5

Windows Live Spaces

TAGGED™

myspace.com
a place for friends

YAHOO! 360°
BETA

friendster®

AOL® Instant Messenger™

EBO

icq
everybody, everywhere®

twitter

You Tube
Broadcast Yourself™



Sexting

- **Sexting is the practice of transferring sexually explicit images electronically.**
- **Many times via cell phone**





Sexting Statistics

How many teens say they have sent/posted nude or seminude pictures or videos of themselves?

- 20% of teens ages 13 to 19**
- 22% of teen girls**
- 18% of teen boys**
- 11% of teen girls ages 13 to 16**





Sexting Statistics

Why are teens sending or posting sexually suggestive content?

- 51% of teen girls say they feel pressure from guys.
- 18% of teen boys say they do it because of pressure from girls.
- 23% of teen girls say friends pressured them.
- 24% of teen boys attribute sending images or messages to peer pressure.





Child Exploitation Laws

- **Definition of “child pornography”**
18.2-374.1(A) (new):
 - Sexually explicit visual material which utilizes an identifiable minor
 - “Identifiable minor” = minor at time image was created



Child Exploitation Laws

Production of Child Pornography - 18.2-374.1(B)(1), (2) and (3)

- “Knowingly takes part or participates in...”
- “filming, photographing, or other reproduction...”
- “of sexually explicit visual material...”
- “subject less than 18 years...”



Child Exploitation Laws

Production of Child Pornography - 18.2-374.1(C)(1)

- If child is less than 15, punishable by 5-30 years
- If offender is at least 7 years older than child under 15 then mandatory minimum 5 years and up to 30
- If offender is 7+ and second offense then 15 year mandatory minimum and up to 40



Child Exploitation Laws

Production of Child Pornography - 18.2-374.1(C)(2)

- If child is 15-18, punishable by 1-20 years
- If offender is at least 7 years older than child 15-18 then mandatory minimum 3 years and up to 30
- If offender is 7+ and second offense then 10 year mandatory minimum and up to 30



Child Exploitation Laws

Possession of child pornography - 18.2-374.1:1(A)

- Person who knowingly possesses child pornography
- Guilty of Class 6 felony (1-5 years)
- 18.2-374.1:1(B) – Second or subsequent violation is Class 5 felony (1-10 years)



Child Exploitation Laws

Distribution and Reproduction of child pornography - 18.2-374.1:1(C)

- “Reproduces by any means, including by computer, sells, gives away, distributes, electronically transmits...”
- “possess with intent to sell, give away, distribute...”
- Punishable by 5-20 years
- Second or subsequent is mandatory minimum 5 and up to 30



Child Exploitation Laws

- **Solicitation of Minors**

18.2-374.3(C)

- Unlawful for one over 18 to use a computer to solicit a minor who he has reason believe is under 15 for sexual conduct or indecent liberty offenses
- Class 5 Felony (1-20 years)
- If 7 years older than victim, 5-30 years.



Child Exploitation Laws

- **Solicitation of Minors, cont.**

18.2-374.3(D)

* If child is believed to be between 15 and less than 18 and offender 7+ years older then Class 5 felony

* If second or subsequent offense then 1 year mandatory minimum and up to 10



Child Exploitation Laws

- **Solicitation of Minors, cont.**

18.2-374.3(E)

- * Unlawful for offender over 18 to solicit anyone under 18 for child pornography offenses
- * Class 5 Felony (1-20 years)



CP OFFENSES = SEX OFFENDER REGISTRY



Preventing Sexting

- **THINK ABOUT THE CONSEQUENCES** of taking, sending, or forwarding a sexual picture of someone underage, even if its of you.
- **NEVER TAKE** images of yourself that you wouldn't want everyone-your classmates, your teachers, your family, or employers-to see.
- **Before HITTING SEND**, remember that you can't control where this image may travel. What you send to a boyfriend or girlfriend could easily end up with their friends, and their friends.....
- **IF YOU FORWARD** a sexual picture of someone underage, you are as responsible for this image as the original sender. You could face child pornography charges, go to jail, and have to register as a sex offender.
- **REPORT** any nude pictures you receive to an adult you trust. Do not delete the message. Instead, get your parents or guardians, teachers, and school counselors involved immediately.



Sexting – A Dangerous New Trend

- **In 2009, students sexting in Spotsylvania, Louisa and VA Beach were charged with possession and/or distribution of child pornography.**
- **Violates Virginia's possession of child pornography law and those caught sending the photos can be charged with distribution.**